IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2323 OF 2007

Ganesh Kashinath Gawade. ..Applicant.
Versus
The State of Maharashtra. ..Respondent.

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Mr.V.V.Purwant, Adv. for the Applicant.

Mr.K.V.Saste, APP, for the State.

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**CORAM : SMT.V.K.TAHILRAMANI,J.**

**DATED : SEPTEMBER 18, 2007.**
(IN CHAMBER, 5:00 P.M.)

P.C.:

1. Heard Mr.Purwant, the learned Advocate for the applicant and Mr.Saste, the learned APP for the State.

2. The applicant is seeking bail in C.R. No.369 of 2006 of Bhosari police station, Pune. The said case is mainly under Section 302 of IPC.

3. The applicant had earlier preferred an application for bail, which came to be rejected by this Court by order dated 16th April, 2007. The learned Advocate for the applicant has pointed out that thereafter coaccused Shivaji Dighe was granted bail by this Court by order 30th April, 2007, coaccused Gopikrishna Dawade was granted bail by this

Court by order dated 22nd June, 2007 and coaccused Girish Dhawade was granted bail by this Court by order dated 27th June, 2007. Mr.Purwant stated that the role of the present applicant is similar to that of these three coaccused persons. This statement is not controverted by the prosecution.

4. Mr.Saste, the learned APP has submitted that a general role has been attributed to the applicant in respect of the incident. However, the learned APP has admitted that there is no witness who has stated directly that the applicant has assaulted either Chandrakant or Sagar i.e. deceased persons.

5. In this view of the matter, I am inclined to grant bail to the applicant.

6. The applicant- Ganesh Kashinath Gawade to be released on bail in the sum of Rs.35,000/- (Rs.Thirty Five Thousand Only) with one or two sureties to make up the said amount. The applicant shall report to Bhosari Police Station once in a week, till conclusion of trial.

7. Application is disposed of accordingly.

**(SMT.V.K.TAHILRAMANI,J.)**